



# Voting Residency Issues

Shelly Jackson  
Deputy Director of Elections  
Office of the Lieutenant Governor

# Voting and residency:



1 - Eligibility requirements to register to vote

2 - How Utah determines residency for voting purposes

3 - When this becomes a problem

# Eligibility Requirements to vote in Utah:

20A-2-101(1)

An individual may register to vote in an election if they meet the following requirements:

- US Citizen
- Resident of Utah for 30 days immediately before the election
- Will be 18 years of age by the date of the general (November) election
- Currently resides within the voting district or precinct in which the individual applies to register to vote

**I VOTED!**



# Rebuttable presumption of residency:

20A-2-105(7):

(a) “...there is a rebuttable presumption that a person’s principal place of residence is in Utah and in the voting precinct claimed by the person if the person makes an oath or affirmation upon a registration application form or declaration of candidacy that the person’s principal place of residence is in Utah and in the voting precinct claimed by the person.”

20A-2-105(7)

(b) “...the election officers and election officials shall allow a person described in Subsection (7)(a) to register and vote, or accept the person’s declaration of candidacy, unless, upon a challenge by a registrar or some other person, it is shown by law or by clear and convincing evidence that:

(i) the person’s principal place of residence is not Utah; or

(ii) the person is incarcerated in prison or jail and did not, before [incarceration]...establish the person’s principal place of residence in the voting precinct.”

# Residency:

## 20A-2-105 Determining Residency

(1)(a) “Principal place of residence” means the single location where a person’s habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

(1)(b) “resident” means a person whose principal place of residence is within a specific voting precinct in Utah.

(3)(a) A person resides in Utah if:

(i) the person’s principal place of residence is within Utah; and (ii) the person has a present intention to maintain the person’s principal place of residence in Utah permanently or indefinitely.

(b) A person resides within a particular voting precinct if, as of the date of registering to vote, the person’s principal place of residence is in that voting precinct.

## 20A-3a-803(1) Challenging a voter

An individual may challenge another’s eligibility to vote on any of the following grounds:

- (a) The individual is not the individual in whose name the individual tries to vote;
- (b) The individual is not a resident of Utah;
- (c) The individual is not a citizen of the United States;
- (d) The individual has not or will not have resided in Utah for 30 days immediately before the date of the election;
- (e) The individual’s principal place of residence is not in the voting precinct that the individual claims;
- (f) The individual’s principal place of residence is not in the geographic boundaries of the election area;

# Going forward:

Create a working group going forward:

- Rep. Maloy
- Lisa Sorenson, analyst
- Shelly Jackson, LGO
- County clerks:
  - Carbon
  - Daggett
  - Duchesne
  - Garfield
  - Summit
  - Washington
  - Weber



# Thank you

Shelly Jackson

Deputy Director of Elections

[shellyjackson@utah.gov](mailto:shellyjackson@utah.gov)

801-538-1746

